

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 814

Introduced by Senator Romero

February 22, 2005

An act to ~~amend Section 5051 of~~ *add Section 5072* to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, as amended, Romero. Prisons: *segregation*.

Existing law vests the supervision, management, and control of the State prisons in the Director of Corrections and he or she is responsible for prescribing the rules and regulations in the administration of the state prisons.

This bill would prohibit the consideration of race or ethnicity when assigning inmates to cells or housing within the Department of Corrections.

~~Existing law provides for the appointment, removal, and employment conditions of the Director of Corrections.~~

~~This bill would make a technical, nonsubstantive change in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 5051 of the Penal Code is amended to~~
2 ~~read:~~

3 ~~SECTION 1. The Legislature finds and declares all of the~~
4 ~~following:~~

5 ~~(a) The United States Supreme Court struck down racial~~
6 ~~segregation in Brown v. Board of Education in 1954, finding that~~

1 *separate but equal was inherently unequal and had no place in*
2 *the fabric of American society.*

3 *(b) Fifty years later, Garrison Johnson, an inmate of the*
4 *California Department of Corrections, filed suit against the State*
5 *of California for its practice of racially segregating inmates in*
6 *California prisons for 60 days upon arrival at the reception*
7 *center, and for 15 days upon transfer to another facility.*

8 *(c) The United State Supreme Court, on February 23, 2005,*
9 *declared that prisons may not temporarily segregate inmates by*
10 *skin color except under the most extraordinary circumstances.*

11 *(d) Because receiving and housing inmates is not an*
12 *extraordinary circumstance, but a daily aspect of prison life,*
13 *racial classifications should not be used on inmates. This bill*
14 *demonstrates the continued desire of the State of California to*
15 *move to an integrated society in which a person, whether or not*
16 *he or she is an inmate, is judged on his or her record and not the*
17 *color of his skin.*

18 *SEC. 2. Section 5072 is added to the Penal Code, to read:*

19 *5072. Race and ethnicity shall not be considered when*
20 *assigning an inmate to an initial or permanent cell or housing*
21 *placement.*

22 ~~5051. The director shall be appointed by the Governor with~~
23 ~~the advice and consent of the Senate. He or she shall hold office~~
24 ~~at the pleasure of the Governor, but before the director may be~~
25 ~~removed, charges against him or her, which charges may be~~
26 ~~preferred by any person, shall be heard by the Board of~~
27 ~~Corrections. The board shall make detailed findings with respect~~
28 ~~to the charges and submit the findings to the Governor. The~~
29 ~~Governor may, but need not, abide by the findings of the board,~~
30 ~~and may retain or remove the director. If the Governor removes~~
31 ~~the director his or her action shall be final. He or she shall~~
32 ~~receive an annual salary provided for by Chapter 6 (commencing~~
33 ~~with Section 11550) of Part 1 of Division 3 of Title 2 of the~~
34 ~~Government Code, and shall devote his or her entire time to the~~
35 ~~duties of his or her office.~~